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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA 2005 NOV 21 A 10:58

Robert Wayne Crawford,)
Plaintiff,) Civil Action No. 3:04-22994-SB
-vs-)
Lt. Jon Durant; C.O. Robert Eaudy;)
and C.O. Pittman,)
Defendants.)

)

O R D E R

This matter is before the Court on the pro se Plaintiff's complaint alleging violation of his constitutional rights, pursuant to 42 U.S.C. § 1983. By local rule, the action was referred to United States Magistrate Judge Joseph R. McCrorey for preliminary review.

On December 1, 2004, the Magistrate Judge issued an order advising the Plaintiff to keep the Court informed of his current address, and cautioning that his failure to do so may lead to dismissal of his case. The Defendants filed a motion for summary judgment on March 11, 2005. The Plaintiff, after being advised of the procedure for summary judgment, including the requirement to file a timely response, see Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), submitted a response on March 28, 2005.

The Magistrate Judge issued a report on October 13, 2005, analyzing the Defendants' motion and recommending that the motion be granted and the action dismissed. Attached to the report and recommendation was a notice advising the parties that they had ten days in which to file specific, written objections.

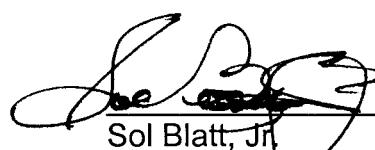
The Clerk of Court mailed a copy of the report and recommendation to the Plaintiff at his last known address. However, the envelope was returned to the Clerk, marked "Inmate has been released." Despite being advised of his duty to keep the Court apprised of his location, the Plaintiff failed to do so. Accordingly, his failure to file objections caused by never receiving the report and recommendation cannot be excused.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a magistrate judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, since objections were not filed, there are no portions of the report and recommendation to which a de novo review must be conducted. Accordingly, the Magistrate Judge's report and recommendation is hereby adopted as the order of this Court, and it is

ORDERED that the Defendants' motion for summary judgment is granted; the Clerk of Court shall determine if the Plaintiff's former institution has been notified of his current address, and if so shall forward a copy of the report and recommendation as well as a copy of this order to that address; and this action is ended.

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IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge

November 18, 2005
Charleston, S.C.